

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of April 5, 2010.

Record is also made of an interview between applicant's representative and the Examiner which took place on June 2, 2010. The Examiner is thanked for her help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was extensively discussed in light of the final rejection of claims 15 to 18 and 25. More specifically, applicant's representative pointed out that the prior art of record fails to teach or suggest the features of claim 15 as set forth in the Auer declaration of record.

The Examiner pointed to the fact that claim 15 includes the acid reducer and that the Auer Declaration did not address the acid reducer and that therefore she did not give weight to the declaration as overcoming the principal reference Kehrmann.

The Examiner suggested that she would take into account data comparing a combination of the two iron(II)sulfate components and an acid reducer with a combination of only the two iron(II) sulfates. Based on the Examiner's statements during the interview, applicant hereby submits an additional declaration of Dr. Auer together with a report on tests conducted by the research institute of cement industry entitled "Quality Assurance and Analytics" An English translation of the report is hereby also supplied. The biography of Dr. Auer is already of record.

While the declaration speaks for itself, it is shown from the outcome of the tests that the combination as recited in claim 15 is superior to the combination of the iron(II)sulfates alone.

Thus, in accordance with the discussion during the interview, the comparison tests as provided herewith clearly show a difference in results when adding iron(II)monohydrate to copperas in the presence of an acid regulator as claimed in claim 15 and thus patentably distinguishes from the Kehrmann reference. The Rasmussen reference does not disclose an iron(II)sulfate other than stating that iron(II)sulfate can contain n crystal water. This vague disclosure in Rasmussen does not supply to Kehrmann anything which could be construed as the features of claim 15. Consequently, the combination Kehrmann/Rasmussen does not render claim 15 obvious.

Applicant has made no amendment to the claims as stated in the interview. Based on the foregoing, applicant submits that claim 15 and the claims directly or indirectly dependent on claim 15, should be considered in light of the presently submitted Auer declaration. Thus, each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in immediate conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

The Commissioner is hereby authorized to charge the amount of \$220.00 to cover the surcharge for presenting ten claims in excess of twenty and any fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

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